

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROCKY ALLEN WILSON	§	
VS.	§	CIVIL ACTION NO. 1:23-CV-28
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner Rocky Allen Wilson, an inmate confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

The Petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in either the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed, in the exercise of its discretion and in furtherance of justice, may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner filed this Petition in the Beaumont Division of the Eastern District of Texas. However, Petitioner was convicted and sentenced in Hopkins County, which is located in the Sherman Division.

The court has considered the circumstances and has determined that the interests of justice would be served if this Petition were transferred to the division where Petitioner was convicted and sentenced. Therefore, the Petition should be transferred to the Sherman Division for hearing and determination. It is accordingly

ORDERED that this Petition is **TRANSFERRED** to the Sherman Division of the United States District Court for the Eastern District of Texas.

SIGNED this the 30th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Stetson', is written above a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE